

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE  
RETIRED PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 2:12-md-02323-AB

MDL No. 2323

THIS DOCUMENT RELATES TO:  
ALL OPT OUT ACTIONS

Hon. Anita B. Brody

**MOTION FOR LEAVE TO FILE SECOND AMENDED  
MASTER ADMINISTRATIVE LONG-FORM COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15, Plaintiffs respectfully move the Court for leave to file the attached proposed Second Amended Master Administrative Long-Form Complaint, and corresponding Short-Form Complaint, to secure the rights of plaintiffs who opted out of the Settlement Class and the settlement proposed in the Class Action Settlement Agreement entered into on February 13, 2015 ("Settlement Agreement").

1. The Opt Out Plaintiffs are retired professional football players who played as part of the National Football League. In accordance with Fed. R. Civ. P. 23(c)(2) and the Settlement Agreement's terms, the Opt Out Plaintiffs exercised their right to exclude themselves from the Settlement Class and their claims remain unresolved.

2. On March 27, 2017, the Court held an Organizational Meeting of all Opt Outs to address their remaining claims.

3. As a result of that meeting, on April 12, 2017, the Court issued an Order stating:

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Lead Counsel for Opt Out Plaintiffs may file a motion for leave to file a Second Amended Master Administrative Long-Form Complaint and an Amended Short-Form Complaint Template (not to exceed twenty-five (25) pages, exclusive of the Second Amended Master Administrative Long-Form Complaint and the Amended Short-Form Complaint Template) on or

before April 26, 2017. Any such motion shall be accompanied by a supporting memorandum describing how the Second Amended Master Administrative Long-Form Complaint and the Amended Short-Form Complaint Template comport with Rule 15(a)(2).

Dkt. 7477 at \*1-2.

4. Federal Rule 15(a)(2) provides that “a party may amend its pleading [with] the court’s leave” and that “[t]he court should freely give leave when justice so requires.”

5. The “Opt Out Plaintiffs” continue to have claims they wish to pursue against the named Defendants in this litigation. Accordingly, these Plaintiffs seek to file a Second Amended Long-Form Complaint and accompanying Short-Form Complaint to secure their rights and address their individual claims. Allowing these Opt Out Plaintiffs to file a Second Amended Long Form Complaint would serve justice and promote judicial efficiency.

WHEREFORE, Plaintiffs respectfully request that their Motion for Leave to File Second Amended Master Administrative Long-Form Complaint be granted.

Dated: April 26, 2017

Respectfully Submitted,

By: /s/ Wendy R. Fleishman  
Wendy R. Fleishman

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